

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
UNITED STATES OF AMERICA :
: 23cr117 (DLC)
-v- :
: ORDER
LAURA PERRYMAN, :
: Defendant. :
----- X

DENISE COTE, District Judge:

An Order of December 4, 2023, required motions in limine to be filed on January 12, 2024. Opposition was due on January 19.

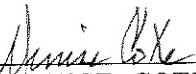
On January 12, the Government and the defendant filed motions in limine. The defendant did not move to preclude any Government expert from testifying at trial. The Government moved to preclude two defense experts.

In opposition to the Government's motion to preclude its two experts, the defendant asked in a footnote that, should the Court determine that a Daubert hearing was necessary as to Dr. Spinner, a defense expert, it should also hold a Daubert hearing for Government expert Dr. Christopher Gharibo. Similarly, in opposition to the Government's motion to preclude a second defense expert, Mr. Desjardins, the defendant objected that testimony from an FDA witness, Deborah Wolf, should not be permitted.

At the final pretrial conference of February 2, the Court granted the Government's motion to strike testimony from both defense experts. One expert was stricken because, inter alia, his testimony would invade the role of the Court and violate Fed. R. Evid. 704(b). The Court permitted the defendant to produce a revised expert report for the second expert, Dr. Spinner. That report is due February 6.

In a letter of February 5, the defendant seeks to preclude the testimony of three Government experts or "quasi-experts". They are Dr. Gharibo, Dr. Alexion, and Deborah Wolf. This application is untimely. It is a month overdue. It is hereby ORDERED that the Government's response to the February 5 letter is due February 8, 2024.

Dated: New York, New York
February 5, 2024



DENISE COTE
United States District Judge